

[Submitting Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**STIPULATION AND [PROPOSED]
ORDER REGARDING ALTRIA'S
MOTION TO STAY PENDING APPEAL**

This Document Relates to:

All Class Actions

Plaintiffs and the Altria Defendants stipulate and agree, subject to the Court's approval, to defer the Class Action trial date until after January 2024 in lieu of briefing and arguing Altria's Motion for Stay Pending Altria's Appeal from the Court's June 28, 2022 Class Certification Decision, ECF 3734 ("Motion to Stay").

WHEREAS, the Court's June 28, 2022 order granting class certification is currently being reviewed by the Ninth Circuit Court of Appeals;

WHEREAS, the Court's November 21, 2022 Order Regarding Class Action Schedule establishes the current schedule, ECF 3671;

WHEREAS, the Altria Defendants filed their Motion to Stay on January 4, 2023;

WHEREAS, Plaintiffs and the Altria Defendants have met and conferred regarding the Altria Defendants' Motion to Stay;

1 WHEREAS, Plaintiffs and the Altria Defendants agree that the Class trial date should be
2 deferred until after January 2024, with the exact trial date subject to the Court's availability, the
3 availability of trial counsel, the status of Altria's pending appeal of class certification, and further
4 discussions by the parties;

5 WHEREAS, Plaintiffs and the Altria Defendants agree that the current deadlines in the
6 Class case should be extended by 160 days;

7 WHEREAS, deferring the Class trial date will help conserve resources of the parties and
8 the Court while Ninth Circuit review of the class certification decision is pending;

9 WHEREAS, this stipulation is without prejudice to the Altria Defendants or Plaintiffs
10 seeking further postponement of the Class trial date, or a stay of the Class cases, which rights are
11 fully reserved;

12 WHEREAS, subject to the above, the Altria Defendants agree to withdraw their Motion to
13 Stay;

14 WHEREAS, the Altria Defendants agree to withdraw their objections to the Plaintiffs'
15 proposed use of a combined settlement and pendency notice at this time, ECF 3741,¹

16 WHEREAS, Plaintiffs agree that, in the event that the Altria Defendants' pending appeal
17 from class certification requires that a new class notice be sent to class members, Plaintiffs will not
18 seek costs for that new notice from the Altria Defendants on the basis of either the Altria Defendants'
19 appeal of class certification or the Altria Defendants' non-opposition to a combined notice at this
20 time;

21 NOW THEREFORE, the Plaintiffs and the Altria Defendants, through their undersigned
22 counsel, hereby stipulate, agree and respectfully request that the Court order as follows:

23 Class trial shall be deferred until after January 2024, with the exact trial date subject to the
24 Court's availability, the availability of trial counsel, the status of Altria's pending appeal of class
25

26
27 ¹ For avoidance of doubt, the Altria Defendants do not agree to withdraw and expressly preserve
28 their objections to the form of the Plaintiffs' proposed class notices and the Plaintiffs' proposed
notice plan, ECF 3741.

certification, and further discussions by the parties. In addition, the current deadlines in the Class case shall be extended by 160 days, as set forth below:

Event	Current Deadline	Proposed Deadline
Exchange of Class Case-Specific Expert Rebuttal Reports	February 3, 2023	July 13, 2023
Close of Class Case-Specific Expert Discovery	February 14, 2023	July 24, 2023
Motions for Summary Judgment and Daubert Motions	March 13, 2023	August 19, 2023
Summary Judgment and Daubert Oppositions	April 10, 2023	September 18, 2023
Trial Plan Briefs (10-page double-spaced limit per side)	April 21, 2023	September 28, 2023
Trial Plan Response Brief (5-page double-spaced limit per side)	April 28, 2023	October 5, 2023
Summary Judgment and Daubert Replies	May 1, 2023	October 6, 2023
Exchange of Civil Local Rule 16-10(b)(7), (8), (9), and (1) Materials	May 1, 2023	October 6, 2023
Oral Argument regarding Motions for Summary Judgment and Daubert Motions (and Trial Plan)	To be set for a date at the Court's convenience	To be set for a date at the Court's convenience
Parties meet and confer regarding setting a deadline for Filing of Pretrial Conference Statement, Jury Instructions, Exhibit List and Objections, Deposition Designations and Objections, and Motions in limine	May 12, 2023	October 19, 2023
Pre-trial Conference	TBD	TBD
Trial	TBD	TBD (after January 2024)

Upon entry of this order:

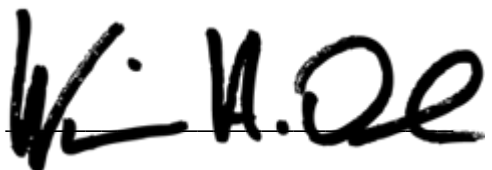
1. Altria's Motion to Stay Pending Altria's Appeal from the Court's June 28, 2022 Class Certification Decision, ECF 3734, shall be deemed withdrawn without prejudice;

2. The Altria Defendants' objections to the Plaintiffs' proposed use of a combined settlement and pendency notice at this time (but not the Altria Defendants' objections to the form of the Plaintiffs' proposed class notices or the Plaintiffs' proposed notice plan), ECF 3741, shall be deemed withdrawn without prejudice.

1 **IT IS SO STIPULATED.**

2
3 **PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on the**
4 **motions for summary judgment, Daubert and the trial plan is set for October 27, 2023, at**
5 **9:30 a.m.**

6
7
8 Dated: January 23, 2023

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Honorable Judge William H. Orrick

Dated: January 17, 2023

Respectfully submitted,

By: /s/ John C. Massaro

By: /s/ Sarah R. London

**ARNOLD & PORTER KAYE SCHOLER
LLP**

John C. Massaro (admitted pro hac vice)
David E. Kouba (admitted pro hac vice)
601 Massachusetts Ave., N.W.
Washington D.C. 20001
Telephone: (202) 942-5000
Facsimile: (202) 942-5999
john.massaro@arnoldporter.com
david.kouba@arnoldporter.com

Sarah R. London
**LIEFF CABRASER HEIMANN &
BERNSTEIN**

275 Battery Street, Fl. 29
San Francisco, CA 94111
Telephone: (415) 956-1000

By: /s/ Dena C. Sharp

*Attorneys for Defendants Altria Group, Inc.,
Altria Client Services LLC, Altria Group
Distribution Company, and Philip Morris USA,
Inc.*

Dena C. Sharp
GIRARD SHARP LLP
601 California St., Suite 1400
San Francisco, CA 94108
Telephone: (415) 981-4800

By: /s/ Dean Kawamoto

Dean Kawamoto
KELLER ROHRBACK L.L.P.
1201 Third Ave., Ste. 3200
Seattle, WA 98101
Telephone: (206) 623-1900

By: /s/ Ellen Relkin

Ellen Relkin
WEITZ & LUXENBERG
700 Broadway
New York, NY 10003
Telephone: (212) 558-5500

Co-Lead Counsel for Plaintiffs